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Counsel for Victoria L. Nelson, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

DORON MASHAL and SHIRAH
GOODMAN-MASHAL,

Debtors.

Case No. BK-S-17-12731-ABL
Chapter 7

**DECLARATION OF MAUREEN
ROBISON IN SUPPORT OF MOTION TO
APPROVE SALE OF THE REAL
PROPERTY LOCATED AT 10710
HOBBITON AVENUE, LAS VEGAS,
NEVADA 89144-0000 [APN 164-12-213-
019] PURSUANT TO 11 U.S.C. § 363**

Date of Hearing: October 12, 2017
Time of Hearing: 11:00 a.m.
Place: Courtroom No. 1, Third Floor
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Honorable August B. Landis¹

I, MAUREEN ROBISON, hereby declare as follows:

1. I am over the age of 18 years and I am competent to make this declaration. I have personal knowledge of the facts set forth herein, except for those facts stated on information and belief and, as to those facts, I am informed and believe them to be true. If called as a witness, I

Maureen Robison

¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The Federal Rules of Civil Procedure will be referred to as "FRCP" and the Federal Rules of Bankruptcy Procedure will be referred to as "FRBP."

1 could and would testify as to the matters set forth below based upon my personal knowledge.

2 2. I make this declaration to support the *Motion to Approve Sale of the Real Property*
 3 *Located At 10710 Hobbiton Avenue, Las Vegas, Nevada 89144-0000 [APN 164-12-213-019]*
 4 *Pursuant to 11 U.S.C. § 363 (the “Application”).*²

5 3. This Declaration is made pursuant to Section 327 and FRBP 2014(b) and is in
 6 support of the Application.

7 4. I am a real estate agent associated with the Shapiro and Sher Group of Berkshire
 8 Hathaway Homeservice Nevada Properties (“BHHS”).

9 5. On or about June 2016, prior to the Debtors’ bankruptcy filing, the Debtors
 10 employed BHHS as realtor to market and sell the Hobbiton Property.

11 6. Due to the BHHS’ efforts to market the Hobbiton Property prior to the Petition Date,
 12 the Trustee decided that it would be in the best interests of the Debtors’ bankruptcy estate to employ
 13 BHHS as realtor to market and sell the Hobbiton Property.

14 7. On June 28, 2017, the Trustee filed an *Ex Parte Application to Employ Berkshire*
 15 *Hathaway Homeservice Nevada Property to Sell Certain Real Property and to Pay Commission*
 16 *Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure 2014 [ECF*
 17 *No. 25] (the “BHHS Employment Application”).*

18 8. The BHHS Employment Application provided that BHHS would be entitled to a
 19 commission in the amount of six percent (6%) of the gross sale price of the Hobbiton Property and
 20 a \$500 administrative fee. See Nelson Declaration.

21 9. On June 30, 2017, the Court entered an *Order Granting Ex Parte Application to*
 22 *Employ Berkshire Hathaway Homeservice Nevada Property to Sell Certain Real Property and to*
 23 *Pay Commission Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy*
 24 *Procedure 2014 [ECF No. 39].*

25 ...

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 28 ² Unless otherwise expressly stated herein, all undefined, capitalized terms shall have the meaning ascribed to them in the Application.

10. Since its employment by the Debtors and then subsequent employment by the Trustee, BHHS has actively marketed the Hobbiton Property and has reduced the listing price of the Hobbiton Property by the following amounts:

<u>Listing Price</u>	<u>Effective Date</u>
\$899,000	June 9, 2016
\$849,000	August 30, 2016
\$819,000	October 21, 2016
\$789,000	November 4, 2016
\$749,000	January 17, 2017
\$729,000	February 22, 2017
\$725,000	April 7, 2017
\$699,000	July 12, 2017
\$649,000	August 5, 2017

11. Prior to their bankruptcy petition, the Debtors received three offers to purchase the Hobbiton Property, one of which was accepted.

12. The offer that was accepted by the Debtors prior to the Petition Date included a purchase price of \$729,000 and was received on or about March 22, 2017. This offer was ultimately canceled by the prospective purchaser after a home inspection identified mold in the Hobbiton Property. A true and correct copy of the home inspection conducted on March 31, 2017, is attached hereto as **Exhibit "1"**.

13. BHHS has held multiple open houses, advertised the Hobbiton Property on BHHS' website and online magazine, and circulated mailers advertising the Hobbiton Property.

14. There have also been approximately 110 showings of the Hobbiton Property. A true and correct copy of the showing log related to the Hobbiton Property is attached hereto as **Exhibit "2"**.

15. BHHS contacted every individual that viewed the Hobbiton Property to obtain feedback. The most common complaint was that the Hobbiton Property was located on a loud street.

16. On or about August 14, 2017, the Trustee and Red Rock Region Investments, LLC (the "Purchaser") entered into a purchase agreement (the "Purchase Agreement") that provided for the sale of the Property in exchange for the payment of \$600,000.

1 17. I believe that the sale price in the Purchase Agreement represents the highest and
2 best offer that the Trustee will be able to receive for the Hobbiton Property.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct.

5 Dated this 30 day of August, 2017.

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Maureen Robison